

FINFISH ADVISORY COMMITTEE REPORT

February 12, 2009

PRFC Office, Colonial Beach, VA

Members Present

James A. Bowling – Charles County Comm. Fisherman
Robert T. Brown, Sr. – St. Mary's Waterman's Assoc.
Charles Davis – Maryland Charter Boat Captain
John W. Dean – St. Mary's Comm. Fisherman
Thomas L. Lewis – Northumberland Comm. Fisherman
Arthur L. Loving – Commercial Fisherman Upper River
David Purcell – Rec. Fisherman At-Large
Steve Scala – Lower River Rec. Fisherman
Richard Schmachtenberg – St. Mary's Rec. Fisherman
Kenneth Wicker – Westmoreland Comm. Fisherman

PRFC Commissioners

Ida C. Hall
Robert H. Bowes

Support Staff Present

Harry Hornick – MdDNR
Capt. M. Ray Jewell – VMRC Law Enforcement
Lt. Charles Sauter – Maryland Natural Resources Police
Sgt. Joe Riley – Maryland Natural Resources Police
Kirby A. Carpenter – PRFC Staff
Ellen Cosby – PRFC Staff
Becky Butler – PRFC Staff

Proxy Representation

William L. Rice, Jr. – Proxy for
Harry Boyden – Charles County Waterman's Assoc.
George Smith – Proxy for
Marvin L. Harley – Comm. Fisherman Upper River

Press

None

Members Absent

Phil Angle – Charles County Rec. Fisherman
Robert F. Stoner – VA Charter Boat Captain
Tom Evans – Rec. Fisherman At-Large

Others Present:

Robin Wicker, Tommy Crowder, Jason Bean, Bob Evans, Dan Beck, Scott Burroughs, Kenneth Pearson and several others who did not sign the guest register.

Vice-chairman Dean called the meeting to order at 6:03 p.m. A moment of silence was observed for the passing of Chairman Mark Gares.

Order 2007-09 – VIMS Striped Bass Tagging Study

Mr. Carpenter advised the committee that the Virginia Institute of Marine Science requested the PRFC to please continue cooperating with their Striped Bass Tagging Study and would like the PRFC to consider extending the Order for another two years.

A motion was made by David Purcell, seconded by Thomas Lewis and passed to recommend continuing Order 2007-09 for two more years.

Order 2009-01 – 2009 Recreational and Charter Striped Bass Seasons and Restrictions

Mr. Carpenter explained this Order is to update the quota for the recreational and charter striped bass fishery. The quota did not change from last year.

A motion was made by Charles Davis, seconded by Robert T. Brown and passed to recommend adopting Order 2009-01 as presented.

Order 2009-02 – 2009 Commercial Striped Bass Catch Limits and Restrictions

Mr. Carpenter noted this Order is to update the quota and number of striped bass tags issued for commercial gear other than gill nets, which is published separately.

A motion was made by Robert T. Brown, seconded by Charles Davis and passed to recommend adopting Order 2009-02 as presented.

Order 2009-03 – 2009 Recreational and Charter Fishing Season, Size and Catch Limits

Mr. Carpenter stated in this Order, Black Sea Bass needs to be considered with a 12 ½” minimum size limit and a catch limit of 25 per person. This is mandated by the ASMFC/MAFMC in accordance with the joint Fishery Manage Plan, and it is a coast wide requirement.

For Summer Flounder, he referred the committee to a table consisted of possible options that Maryland and Virginia are considering for their season, size and catch limits. Maryland has proposed five different options for its recreational fishery and Virginia has four proposed options to choose from. Neither Maryland nor Virginia has made a decision yet. The PRFC is approved to use either a Maryland or a Virginia season, size and creel limit, and that would meet the requirements from ASMFC. Of the nine options presented, a recommendation is needed from the committee for the recreational season and size limit for Summer Flounder.

Mr. Bob Bowes asked if the Commission has to choose one of these options, or can we go with our own recommendation. Mr. Carpenter stated the committee could choose any of these nine options to be in compliance with ASMFC. He did advise however, at the Commission meeting, that staff is going to recommend adopting either the same as Virginia or the same as Maryland in order to avoid the three jurisdictions each having different seasons.

Mr. David Purcell questioned if anyone has caught a summer flounder larger than 18 ½” in the Potomac River. Based on the silence in the room, Mr. Carpenter said, he would have to say no and that it would be a very rare event. Mr. Purcell said he would recommend going with Maryland, because it would at least give the fishermen a chance to keep one fish.

Vice-chairman Dean asked if the Commission could set its own dates but, go with Maryland’s creel and size limit of one fish at 16 ½”. Mr. Carpenter said the committee could do that but in reality, dealing with the recreational fishery, it would be wise to have the Potomac River match the Maryland date. He said if the committee wanted a 16 ½” size limit and the opportunity to catch one, he would strongly urge the Commission to adopt whatever Maryland adopts just for consistency.

Mr. Charles Davis felt the committee should go with whatever Maryland chooses.

A motion was made by Dick Schmactenburg, seconded by David Purcell and passed to recommend adopting whatever Maryland chooses as its Summer Flounder season, size and creel limit.

Order 2009-04 – 2009 Commercial Fishing Season, Size and Catch Limits

Mr. Carpenter explained the Commission has received the information to update Order 2009-04, which included the Black Sea Bass and Summer Flounder seasons and size limits. The quota for Summer Flounder increased 3,000 pounds compared to last year. Staff's recommendation would be to approve as written.

A motion was made by William Rice, seconded by Robert T. Brown and passed to recommend adopting Order 2009-04 as presented.

Reg. I, Sec. 2(m)(3) – Definitions – (i) Fish Pot

Vice-chairman Dean said this item is before the committee to discuss the idea of increasing the length of a fish pot. Currently it is limited to 10 feet in length.

Mr. Danny Beck explained he has been fishing on the Potomac River for about a year. He uses fish pots to catch catfish. The PRFC law requires fish pots to have a mesh size of at least two (2) inches at its longest axis for the nets. The fish pots he uses right now are built with 2 ¾" mesh. All the pots he has built in the past 20 years use 3" mesh, which shrinks and some measure 2 ¾". The most recent pots Mr. Beck has built use a mesh size of 3 1/8". On the back of each pots is a cull net that consists of either 3 ¼" or 3 ½" mesh; once it's tarred the net will shrink some. He brought a sample to show the committee exactly what he uses in the river. The reason Mr. Beck is asking for an increase in length is because the longer the holding compartment, the better the quality of fish are for the live market.

Mr. Charles Davis stated, if the committee made a recommendation to increase the length of the fish pot to 17' with a mesh no less than 2 inches that would appease Mr. Beck.

Capt. Ray Jewell felt the definition needs to be clarified on how the fish pot is measured. Mr. Carpenter advised that a specific number needs to be recommended and it would be measured as an overall length.

Mr. David Purcell suggested that the mesh size be increased to 3". He questioned how many others are fishing these pots. Mr. Carpenter stated the Commission sells about 25 fish pot licenses in a year. If the mesh size is increased to 3", it may require costly gear changes for other fishermen, and may eliminate the catch of bull head catfish.

Mr. Arthur Loving asked how many fish were caught in a piece of gear this size. Mr. Beck replied that he could catch a couple hundred pounds at a time. He stated he would not go any larger than a 3 ½' diameter hoop for these fish pots, and most of his gear contains 3 ft. hoops. Mr. Loving asked Mr. Beck if he could live with an increase to 15 ft. for overall length. Mr.

Beck stated he would like the length to be a little longer, but he will do what he has to do to be in compliance.

Mr. Robert T. Brown stated he liked what Mr. Beck presented before the committee today. He felt the committee should recommend approval of what he wants. Mr. Brown suggested a maximum of 18 ft. that would allow some leeway if needed and set a maximum of 4 ft. on the hoop size. Mr. Carpenter stated there is no concern with the size of the hoop used, however he would like to add clarification that the measurement to be the overall length from the first hoop to the end of the tail.

Capt. Ray Jewel felt Mr. Beck's gear fits better under the definition of a hoop net, so why is it being considered a fish pot. Mr. Carpenter explained that a hoop net is a fixed fishing device that is licensed for a fixed location. He stated what Mr. Beck is using is not a fixed fishing device. The reason the definition of a fish pot states it will not exceed 10 ft. in length, is because this type of gear is used to catch catfish in the upper part of the river. They are fished singly as well as in a series and are not in any fixed location.

Lt. Charles Sauter stated Maryland created a definition for a fish pot and recommended to the committee to add language that stated ... any fishing device containing hoops or pots could be considered a fish pot or something to that effect.

Mr. Bob Evans stated the true definition between a hoop net and a fish pot, is that a hoop net is rigged with two funnels on the 2nd and 4th hoops and fish pots funnels are rigged on the 1st and 2nd hoops. Mr. Carpenter asked law enforcement if that description would work as part of the definition for a fish pot. Mr. Evans stated he would not be comfortable implementing that into the definition because not all watermen may rig their gear that way.

Mr. Carpenter stated he felt the committee was in agreement to increase the length of a fish pot, therefore he asked if the committee would allow staff to contact some licensees, who have fish pot licenses, and send them a draft definition to see what feedback is given.

A motion was made by Robert T. Brown, seconded by William Rice and passed to increase the length of a fish pot to 18 ft. and ask staff to find the proper language to make it a clear definition of a fish pot.

Sport Fishing Federal Registry Update

Mr. Carpenter advised the committee that two years ago, when the federal Magnuson-Stevens Act was renewed by Congress it required a federal registration program for all recreational fishermen in the ocean or anybody fishing for anadromous species in tidal waters. Anadromous species includes striped bass, shad and herring, etc. The Commission's jurisdiction is all tidal water. Under the federal law, every fisherman will have to be registered by the Federal Government or be a resident of a state whose salt water license provisions have met the federal criteria and are thereby exempted. It was supposed to go into effect January 1, 2009, but was delayed until January 1, 2010. The federal government does not like the idea of a pleasure boat license, because 'unlicensed' fishermen are allowed aboard a licensed pleasure boat. They would

like to be able to contact each individual fisherman. Currently residents of Maryland and Virginia would not be exempted from the federal registration requirement; because the states are deemed have only a “partial” license system. The government will not exempt PRFC licensed fishermen for the same reason. However, Delaware, which also has a boat license, developed a Fisherman Identification Number (FIN) system, modeled after the Hunter Identification Program (HIP) system used for water-fowl. The combination of boat license and a FIN number requirement for all anglers on board the boat would be in compliance with the federal requirements.

Mr. Carpenter just wanted to advise the committee, so that future talks would be expected. He stated he would like to see the Commission, MD and VA adopt a program similar to what Delaware has implemented.

Reciprocal Charter Boat Captains License

Mr. Carpenter advised that Maryland and Virginia have developed a reciprocal agreement between their charter boat captains licenses. The PRFC is not part of that agreement because our license is not a limited entry license. Virginia has developed two classes of licenses. Class A is a limited entry class that is reciprocal and class B which is not limited and is not reciprocal with Maryland. There are a number of guides in the Potomac River and the Commission would like to see more guides fishing in the river, therefore staff does not want to make the fishery a limited entry fishery.

A motion was made by Charles Davis, seconded by Robert T. Brown and passed to leave the PRFC’s charter boat fishery as it.

Transfer of Pound Net Licenses to a Hook & Line Quota

Mr. Carpenter stated he has received a request from a pound netter to turn in his pound net license and take his quota with a hook and line license. This idea is similar to what is allowed for a gill net license. Once the quota is transferred, it can not be transferred back to a gill net or in this case a pound net.

Vice-chairman Dean felt there would be a lot of problems with this because the pound netters are issued 300 tags per stand, and hook and line fishermen are only issue 100 tags per license. Mr. Carpenter stated there were a number of ways to accommodate the change, however there are administrative issues dealing with the tags.

A motion was made by Kenneth Wicker, seconded by David Purcell and passed with 9 in favor to leave it like it is.

Striped Bass ID Tags Labeled for a Specific Gear

Mr. Carpenter stated currently the striped bass tags are labeled with a serial number for the current year and are issued to a specific gear. Staff is considering having the tags labeled with the letters “PN”, “GN”, “FN” and so on to help the people who have multiple gears to keep the

tags within the proper gear types. He advised staff has also been asked to provide different colors for specific gears.

The committee liked the idea of labeling the tags for each gear.

A motion was made by Richard Schmactenberg, seconded by Robert T. Brown and passed in support of labeling the striped bass tags for each specific gear.

Committee Membership Vacancies

Mr. Carpenter announced six members' terms would expire on March 31, 2009. Harry Boyden, David Purcell, Charles Davis, Jr., Thomas Lewis and Robert Stoner all agreed to serve another term. Tom Evans was unable to attend the meeting but advised the office that he would no longer be able to serve on the committee. Currently there are vacancies for a recreational fisherman for the middle/upper river and a recreational fisherman at-large.

Mr. Carpenter stated he received a nomination from Mr. Kevin Gladhill, who is a recreational fisherman from Boonsboro, Maryland who would like to serve on the Finfish Advisory Committee. Currently there is no recreational position available on the Maryland side at this time.

David Purcell questioned if the recreational at-large members could be from the same state. Mr. Carpenter stated that to keep the committee in balance, there should be one recreational at-large member from each state.

Charles Davis stated he would like Mr. Carpenter to give Wayne Schuhart a call, because he would like to be considered for the position of Charles County Watermen's Association, currently held by Harry Boyden. *(When Mr. Schuhart was contacted by staff, he declined the nomination.)*

Election of Chairman and Vice-chairman

The committee agreed to have Robert T. Brown serve as Chairman and David Purcell to serve as Vice-chairman.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,

John W. Dean, Vice-chairman